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SECURITY COUNCIL
Forty-eighth year

Letter dated 5 August 1993 from the Permanent Representative of Slovenia to the United Nations addressed to the Secretary-General

Upon instructions from my Government I have the honour to transmit, attached hereto, a letter which I have sent today to Her Excellency Madeleine K. Albright, President of the Security Council (see annex).

I would be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under item 8 of the provisional agenda, and of the Security Council.

(Signed) Dr. Danilo TÜRK
Ambassador
Permanent Representative

* A/48/150.

ANNEX

Letter dated 5 August 1993 from the Permanent Representative of Slovenia to the United Nations addressed to the President of the Security Council

I wish to bring to your attention some of the pertinent facts arising from the dissolution and extinction of former Yugoslavia. The matter is of particular relevance at this stage, in view of Security Council resolution 821 (1993) of 28 April 1993, by which the Council decided to consider the matter again before the end of the forty-seventh session of the General Assembly.

As you will recall, the Security Council has, in its resolutions 777 (1992) and 821 (1993), stated that the State formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist and that the "Federal Republic of Yugoslavia (Serbia and Montenegro)", as one of the successor States of the Socialist Federal Republic of Yugoslavia, should apply for membership in the United Nations. The General Assembly has reiterated the same in its resolutions 47/1 and 47/229. However, the General Assembly has not yet declared that former Yugoslavia has, as a result of its extinction, ceased to be a member of the United Nations. In a number of official contexts, Yugoslavia still appears as one of the members of the United Nations.

Dissolution and extinction of the Socialist Federal Republic of Yugoslavia is now an obvious fact. The processes leading to this situation were amply explained in the letter dated 27 May 1992 from the Foreign Minister of the Republic of Slovenia addressed to the Secretary-General (S/24028). The Arbitration Commission of the Conference on Former Yugoslavia, chaired by M. Robert Badinter, has, on 4 July 1992, presented its advisory opinion No. 8, in which it concluded that the process of dissolution was complete and that the Socialist Federal Republic of Yugoslavia no longer exists. The Arbitration Commission also emphasized the principle of equality of all successor States of former Yugoslavia. The resolutions of the Security Council 777 (1992) and 821 (1993) and of the General Assembly 47/1 and 47/229 have confirmed the essence of these opinions.

Four out of five successor States of former Yugoslavia (namely, Bosnia and Herzegovina, Croatia, Slovenia and the former Yugoslav Republic of Macedonia) are members of the United Nations. They represent the numerical majority of successor States as well as the major part of population and territory of former Yugoslavia.

There is a need for the General Assembly to take action to terminate the membership of former Yugoslavia in the United Nations so as to eliminate any ambiguity concerning this issue. It should be pointed out that delaying the definitive action for termination of membership of former Yugoslavia in the United Nations is producing a number of adverse political effects. Above all, it strengthens the illusion that the "Federal Republic of Yugoslavia (Serbia and Montenegro)" will be eventually accepted as the continuity of former Yugoslavia. Thus, the "Federal Republic of Yugoslavia (Serbia and Montenegro)" officially informed the Security Council (S/26038) that it withdrew from the Working Group on State Succession of the Conference on Former Yugoslavia. The negotiations on

State succession have thus been blocked. At the same time, important assets, such as all immovable property acquired by the Socialist Federal Republic of Yugoslavia in the territories of third States (including all premises of diplomatic missions) continue to be in possession of the "Federal Republic of Yugoslavia (Serbia and Montenegro)".

Moreover, should such an ambiguity be further maintained, it would continue to enhance the feeling that human rights provisions and basic principles and precepts of the United Nations can be flouted. (Recent refusal of the authorities in the "Federal Republic of Yugoslavia (Serbia and Montenegro)" to allow the human rights missions of the Conference on Security and Cooperation in Europe (CSCE) to continue their activities is yet another example of this attitude.) Finally, this ambiguity will further strengthen the impression that the policy of use of military force would be eventually rewarded by direct or indirect territorial gains and by recognition of the "Federal Republic of Yugoslavia (Serbia and Montenegro)" as the continuity of former Yugoslavia - which, in turn, would legitimize those territorial gains.

The act of definitive termination of membership of forme. Yugoslavia in the United Nations will put an end to such expectations and will thus significantly contribute to the settlement of various problems arising from the dissolution and extinction of the Socialist Federal Republic of Yugoslavia.

There is no doubt that the situation which emerged after the dissolution and extinction of the Socialist Federal Republic of Yugoslavia calls for additional measures. The Security Council and the General Assembly should take note of this fact and should take necessary action without delay.

I would be grateful if you would have the text of the present letter circulated as a document of the Security Council.

(Signed) Dr. Danilo TÜRK
Ambassador
Permanent Representative